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7
8 **BEFORE THE**
BOARD OF REGISTERED NURSING
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. **2010-295**

11 **ANDREW HUME ISLES**
12 55 Poncetta Blvd., Apt. 110
13 Daly City, CA 94015

ACCUSATION

14 **Registered Nurse License No. RN 587084**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
20 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
21 of Consumer Affairs.

22 2. On or about September 7, 2001, the Board of Registered Nursing issued Registered
23 Nurse License Number RN 587084 to Andrew Hume Isles (Respondent). The Registered Nurse
24 License expired on November 30, 2008, and has not been renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Registered Nursing (Board),
27 Department of Consumer Affairs, under the authority of the following laws. All section
28 references are to the Business and Professions Code unless otherwise indicated.

1 4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent
2 part, that the Board may discipline any licensee, including a licensee holding a temporary or an
3 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
4 Nursing Practice Act.

5 5. Section 2761 of the Code states:

6 "The board may take disciplinary action against a certified or licensed nurse or deny an
7 application for a certificate or license for any of the following:

8 "(a) Unprofessional conduct, which includes, but is not limited to, the following:

9 ...

10 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
11 functions, and duties of a registered nurse, in which event the record of the conviction shall be
12 conclusive evidence thereof.

13 6. Section 2762 of the Code states:

14 "In addition to other acts constituting unprofessional conduct within the meaning of this
15 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
16 chapter to do any of the following:

17 ...

18 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
19 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
20 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
21 himself or herself, any other person, or the public or to the extent that such use impairs his or her
22 ability to conduct with safety to the public the practice authorized by his or her license.

23 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
24 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
25 or the possession of, or falsification of a record pertaining to, the substances described in
26 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
27 thereof."

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7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

COSTS

8. Section 125.3 of the Code provides, in pertinent part, that the Board/Registrar/Director may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FACTUAL BACKGROUND

9. On or about February 2, 2004, In San Mateo County Superior Court case No. NM333266A, Respondent was convicted on a plea of Nolo Contendere of violating Vehicle Code § 23152(b), driving with a blood alcohol level of .08 percent or higher. The circumstances leading to respondent conviction are as follows:

10. On or about September 18, 2003, Respondent was involved in an automobile accident. Respondent rear ended a vehicle that was parked on Terra Nova Blvd. in Pacifica, California. Respondent admitted that he had been drinking before the accident and that had too much to drink. Two Preliminary Alcohol Screening tests revealed Respondent's blood alcohol levels were .243 percent and .221 percent. Respondent was later given a breath test which revealed Respondent had a blood alcohol level of .20/.22 percent.

11. On or about December 31, 2007, In San Mateo County Superior Court case No. NM371489, Respondent was convicted on a plea of Nolo Contendere of violating Vehicle Code § 23152(b), driving with a blood alcohol level of .08 percent or higher. The circumstances leading to respondent conviction are as follows:

12. On or about October 12, 2007, Respondent drove his vehicle off the exit ramp of US 101 southbound at Sierra Point Parkway in Brisbane CA. Respondent admitted he had 4-5 Miller Genuine Draft beers before driving. Respondent submitted to a blood draw which revealed respondent had a blood alcohol level of .16 percent.

1 13. On or about September 16, 2008, In Contra Costa County Superior Court case No.
2 136397-7, Respondent was convicted on a plea of Nolo Contendere of violating Vehicle Code
3 § 23152(b), driving with a blood alcohol level of .08 percent or higher. The circumstances
4 leading to respondent conviction are as follows:

5 14. On or about January 12, 2008, Respondent was driving on Monument Blvd. in
6 Concord CA. Respondent made a right turn on Meadow Lane and failed to yield to a pedestrian
7 in the crosswalk. Respondent was pulled over by Concord police. Respondent admitted he had 4
8 16 ounce beers in the hour prior to being pulled over. Respondent submitted to a preliminary
9 alcohol screening test which revealed Respondent had a blood alcohol level of .142 percent.
10 Respondent also submitted to a blood draw which revealed Respondent had a blood alcohol level
11 of .15 percent.

12 15. On or about March 27, 2009, In Contra Costa County Superior Court case No.
13 141483-8, Respondent was convicted on a plea of Nolo Contendere of violating Penal Code
14 647(f), public intoxication. The circumstances leading to respondent conviction are as follows:

15 16. On or about January 20, 2009, Respondent was running in the street on Monument
16 Blvd. in Concord CA. Several cars had to swerve to miss hitting Respondent. Respondent was
17 detained by police and submitted to a preliminary alcohol screening test. The test reveal
18 respondent had a blood alcohol level of .272/.284 percent.

19
20 FIRST CAUSE FOR DISCIPLINE

21 (Convictions)

22 17. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the
23 code in that respondent was convicted of crimes that are substantially related to the duties,
24 functions, or qualifications of a registered nurse. The circumstances are described in paragraphs
25 9-16 above.

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1 SECOND CAUSE FOR DISCIPLINE

2 (Convictions Involving Alcohol)

3 18. Respondent is subject to disciplinary action under sections 2762(c) of the code in that
4 respondent was convicted of crimes involving the consumption of alcohol. The circumstances are
5 described in paragraphs 9-16 above.

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7 THIRD CAUSE FOR DISCIPLINE

8 (Dangerous Use of Alcohol)

9 19. Respondent is subject to disciplinary action under section 2762(b) of the code in that
10 Respondent used alcohol in a manner that was dangerous or injurious to himself or others. The
11 circumstances are described in paragraphs 9-16 above.

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13 FOURTH CAUSE FOR DISCIPLINE

14 (Unprofessional Conduct)

15 20. Respondent is subject to disciplinary action under section 2761(a) of the code in that
16 Respondent used alcohol in a manner that was dangerous or injurious to himself or others. The
17 circumstances are described in paragraphs 9-16 above.

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19 PRAYER

20 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
21 and that following the hearing, the Board of Registered Nursing issue a decision:

22 1. Revoking or suspending Registered Nurse License Number RN 587084, issued to
23 Andrew Hume Isles.

24 2. Ordering Andrew Hume Isles to pay the Board of Registered Nursing the reasonable
25 costs of the investigation and enforcement of this case, pursuant to Business and Professions
26 Code section 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: _____

12/15/09

Louise R. Bailey

LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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